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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, Plaintiff,  
18 v.  
19 BILLY REO HOWARD, Defendant.

20 CASE NO. 1:22-CR-00240-ADA-BAM  
21 STIPULATION REGARDING EXCLUDABLE  
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
23 FINDINGS AND ORDER  
24 DATE: April 12, 2023  
25 TIME: 1:00 p.m.  
26 COURT: Hon Barbara A. McAuliffe.

27  
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on April 12, 2023.  
32 2. By this stipulation, defendant now moves to continue the status conference until June 14,  
33 2023, and to exclude time between April 12, 2023, and June 14, 2023, under Local Code T4.  
34 3. The parties agree and stipulate, and request that the Court find the following:  
35 a) The government has represented that initial discovery associated with this case  
36 has been provided. All of this discovery has been either produced directly to counsel and/or  
37 made available for inspection and copying. The government has made inquiries and is in the  
38 process of ascertaining if there are additional reports /other discovery that needs to be processed  
39 and provided to the defense.

b) Counsel for defendant desires additional time to review the discovery, conduct investigation. The government is will be providing a plea agreement to defense counsel for consideration.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 12, 2023 to June 14, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

## IT IS SO STIPULATED.

Dated: March 29, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ LAUREL J. MONTOYA  
LAUREL J. MONTOYA  
Assistant United States Attorney

1 Dated: March 29, 2023

/s/ SERITA RIOS  
SERITA RIOS  
Counsel for Defendant  
BILLY REO HOWARD

6 **ORDER**

7  
8 IT IS SO ORDERED that the status conference is continued from April 12, 2023, to **June 14,**  
9 **2023 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18  
10 U.S.C. § 3161(h)(7)(A), B(iv).

11 IT IS SO ORDERED.

12 Dated: April 3, 2023

/s/ Barbara A. McAuliffe  
13 UNITED STATES MAGISTRATE JUDGE